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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

CS-37-010822

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Application Number

09/933,738

Filed

August 22, 2001

First Named Inventor

Kaoru Kobayashi

Art Unit

3621

Examiner

F. Backer

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34 _____

November 22, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of 3 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REASONS FOR REQUESTING PRE-APPEAL REVIEW

After filing of a Request for Continued Examination on January 6, 2005, the claims of the application have now been twice rejected. Although the current rejection is non-final, the applicant has determined that further arguments before the present Examiner are unlikely to prove of benefit, and therefore the applicant has determined to file a Notice of Appeal, together with requesting the present pre-appeal review.

The applicant respectfully submits that the current rejection of record is clearly improper and without basis. Moreover, the numerous rejections, and subsequent withdrawal and reformulation of rejections, have caused the applicant to feel that the Patent Office may not possess an adequate understanding of the claimed features. Further, one of the rejections made during the course of prosecution involved the citation of a reference that was clearly non-citable in light of an already perfected priority claim, leading the applicant to worry about the USPTO's attention to essential procedural details.

A summary of the procedural course of the present application is as follows:

In the First Office Action (12/17/2003), claims 1 to 12 were rejected as anticipated by Wachtfogel et al. Following amendment, in a Final Office Action (04/01/2004), claims 1 to 12 were rejected as obvious over Wachtfogel et al. in view of Jokinen et al. In response to this rejection, a verified translation of the priority document was submitted, removing Jokinen et al. as a citable reference. In another Final Office Action (08/13/2004), after the assertion of priority, the rejection was reformulated and claims 1 to 12 were rejected as obvious over Wachtfogel in view of Wolfe et al. An interview was conducted, amendments were agreed upon that defined over the citations, and an RCE was filed on 01/06/2005, including claims 1 to 13, to introduce such amendments. In a non-final Office Action (02/10/2005), claims 1 to 13 were rejected as obvious over Wachtfogel et al. in view of Wolf, at which point the applicant simply advised the Examiner that Wolf also was date-inapplicable

in light of the already perfected priority claim. In the current non-final Office Action, the Examiner has now rejected claims 1 to 13 as obvious over Wachtfogel et al. in view of Reilly et al.

It is therefore apparent that, while acknowledging the clear deficiencies of the primary reference, Wachtfogel et al., the Examiner has now on four separate occasions cited different secondary references in an attempt to make up for these deficiencies. The latest of these secondary references, Reilly et al., as with the other references preceding it, offers nothing to make up for the deficiencies of Wachtfogel et al.

In particular, in the current Office Action, page 3, lines 12-16, the Examiner admits that "Wachtfogel et al. fail to teach an inventive concept wherein advertisements are arranged into more specific geographic area[s] by categorizing the advertisements as to belong to respective levels of geographic fractionalization within a multi-level storage hierarchy, categorizing the advertisements according to area sections within respective levels, and categorizing the advertisements according to content thereof."

However, Reilly et al. does not make up for the admitted deficiencies of Wachtfogel et al. Despite the Examiner's indication of paragraphs in the reference alleged to disclose the above features, it is quite clear that Reilly et al. does not even remotely suggest the structure of the claimed storage hierarchy, in which advertisements are arranged within different storage levels (e.g., levels 1 to 4 as shown in FIG. 2 of the present specification) having increasingly more specific geographic fractionalization. With respect to this feature, the Examiner has referred to paragraphs [0013], [0016] and [0051] of Reilly et al.

In general, Reilly et al. is concerned with providing targeted advertisements together with information items, through a data server, to an Internet-connected computer. Information items and advertisements are periodically downloaded to local workstation terminals, for storing the information items and advertisements in a local memory. The information items and

advertisements are displayed on the workstation when the workstation meets certain idleness criteria. User profile data may also be stored in the workstation, so that only information items that are actually desired by the user, i.e. which are consistent with subscriber profile data, are displayed.

Paragraph [0016] of the reference is the summary of the invention, essentially as described in the above paragraph. Nothing in this paragraph discusses a storage hierarchy having different levels of geographic fractionalization. Nor is there any indication of categorizing advertisements so as to belong to a particular level of geographic fractionalization as claimed.

Paragraph [0013] of the reference indicates that news stories and advertisements are categorized and associated with each other, namely, so that advertisements are displayed together with news stories belonging to a particular news category. According to this paragraph, the advertisements are associated and categorized along with particular types of news stories. There is no discussion whatsoever of any geographical storage hierarchy, as in the claimed invention, wherein advertisements are categorized so as to belong to levels of the storage hierarchy, each level exhibiting a different specificity of geographical fractionalization.

Paragraph [0051] of the reference discusses category profiles, whereby each subscriber can enter an individual profile indicating the subscriber's interest in receiving particular types or subcategories of information. The paragraph does state that one type of subcategory can relate to geographic regions.* This merely implies that a subscriber may indicate interest in receiving information items (e.g., news stories) dealing with a particular geographic region, for example, Washington, D.C. However, nothing in this paragraph discusses a multi-level storage hierarchy, involving different levels exhibiting increasingly more specific geographic fractionalization, wherein

* A word search indicates this brief and passing reference to be the only discussion of geographic regions within the entire document.

advertisements are categorized according to a certain level of geographic fractionalization, as presently claimed.

In summary, the indicated paragraphs in Reilly simply do not disclose the claimed feature of a "storing means comprising a multi-level storage hierarchy for storing advertisements, in which the levels of said multi-level storage hierarchy gradually fractionalize advertisement areas into increasingly more specific geographic regions." That is, the cited references do not disclose the hierarchical storage structure illustrated in FIG. 2, in which each lower level further subdivides or fractionalizes the geographic regions into increasingly more specific smaller geographic regions (i.e., level 1 countries → level 2 provinces or states → level 3 counties or prefectures → level 4 cities or municipalities). Moreover, lacking the claimed hierarchical storage structure, it is a foregone conclusion that Reilly cannot suggest "categorizing advertisements so as to belong to respective levels of geographic fractionalization within said multi-level storage hierarchy."

Finally, the applicant strongly emphasizes that neither of these cited references shows any appreciation of the aim of the present invention, which is to adaptively adjust the number of job or help-wanted advertisements made available for display, depending on the category or type of job being sought.

According to the present invention, job advertisements for highly skilled positions, for example university professorships, are categorized in the first level having a low level of geographic fractionalization defined by respective country area sections. Therefore, if one were to search for such job advertisements, even though few or no jobs fitting this category may exist within a confined local region such as the user's own city, still an appropriate number of different job advertisements can be displayed, since the advertisements are culled from a much wider geographic area. On the other hand, job advertisements for unskilled positions of which there are many jobs available even locally, for example, jobs for waitresses, are categorized, e.g., in the fourth level having the highest level of geographic

fractionalization defined by cities or municipalities. Therefore, when searching for such job advertisements, only those advertisements from the user's selected city region are displayed, so that the user is not flooded with an overabundance of job advertisements. In either case, depending on the type of jobs being sought, an appropriate and reasonable number of job advertisements are made available for viewing.

In particular, the features of the invention are of great utility for job searching using small portable mobile terminals, such as cellular phones, where the amount of information that can be displayed is limited by screen size. By adaptively controlling the amount of information made available depending on the category of jobs being sought, the present invention enables more effective use of Internet connected portable mobile terminals for job hunting activities.

The cited prior art does not show the features recited in the pending claims, and moreover, the cited references offer no understanding of the merit of the present invention.

For these reasons, the rejections should be reversed, and all pending claims 1 to 13 passed to allowance.

Respectively submitted,



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